

ORDINANCE NO. 2015-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS REGARDING HALLSVILLE CITY PARK; PROVIDING FINDINGS OF FACT; DEFINITIONS; TIME PARKS ARE OPEN FOR PUBLIC USE; PROHIBITING LITTERING AND DUMPING; PROHIBITING SMOKING AND DRINKING; PROVIDING FIREARM, SKATEBOARD, TENNIS COURT, DOG REGULATIONS; ENFORCEMENT AND REMEDIES, INCLUDING CIVIL RELIEF AND CRIMINAL FINES NOT TO EXCEED \$500; AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to *Texas Local Government Code* § 51.012 and other applicable provisions of Texas law; and

**WHEREAS**, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, regulating parks pursuant to Tex. Local Gov't Code § 331.007; and

**WHEREAS**, the City Council finds and determines that the City of Hallsville needs city park rules and regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, THAT:**

- (a) **Finding of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- (b) **Definitions.** The following words, terms, and phrases, when used in this chapter,

shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Alcoholic Beverages* are the same as defined in the Texas Alcoholic Beverage Code, Section 1.04.
2. *Controlled Substance* means any substance defined as a controlled substance by the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code, Chapter 481).
3. *Dangerous Drug* shall mean any substance defined as a dangerous drug by V.T.C.A., Health and Safety Code Section 483.001.
4. *Park* shall mean a park, reservation, playground, recreation center or any other area in the city owned, used or designated by the city and devoted to active or passive recreation.

(c) **General Park Rules.**

(1) Park Hours. Except for events sponsored by the City or unforeseen emergencies, Parks shall be only open to the public every day of the year during the hours of 5:00 a.m. until 11:00 p.m. unless different opening and closing hours for each individual Park shall be posted therein.

(2) Unlawful Entry. It shall be unlawful for any person, other than an employee of the city in the course of his employment, to be or remain in any Park outside Park hours absent prior written approval from the City.

(3) Unlawful Use. It shall be unlawful to use any Park at any time for an unlawful meetings or purposes.

(d) **Conduct of Persons in Parks.**

It shall be unlawful for any person in a park to:

- 1) Willfully or intentionally mark, deface, disfigure, injure, tamper with or displace or remove any building, bridge, table, bench, fireplace, railing or paving material, water line, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances, either real or personal.
- 2) Dig or remove any soil, rock, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, or blasting, or in any other way injure or impair the natural beauty or usefulness of the Park.
- 3) Damage, cut, carve, transplant or remove any tree or plant or injure the bark of any tree or plant.
- 4) Willfully interfere with, disrupt or prevent the orderly conduct of any supervised play or amusement program being conducted by the city or other agency.
- 5) Discharge, set off or otherwise cause to explode or discharge or burn any firecracker, torpedo, rocket, or any other fireworks or explosives of inflammable material.
- 6) Build or attempt to build a fire except on Park grounds, unless using the designated fire pit or barbecue grill.
- 7) Gamble or participate in or aid any game of chance.

- 8) Any dog or pet within Park grounds to be unleashed at any time.
- 9) Fail to collect or dispose of any solid waste from a dog or pet on Park grounds.
- 10) Hunt, stalk, trap, or kill any bird, animal or other wildlife in or upon Park grounds.
- 11) Possess, carry or discharge any firearm except as allowed by state law.
- 12) Occupy tennis courts for any purpose other than playing tennis or handball.

(e) **Littering and Dumping Prohibited.**

It shall be unlawful for any person to:

- 1) Throw, discard, dump, deposit or leave in and upon the grounds or waters of a public Park or recreation area any litter, garbage, trash, or debris except in receptacles provided for this purpose. Where public receptacles are not provided, all such litter, garbage, refuse and the like shall be picked up, carried away from Park grounds.
- 2) Throw or deposit litter, garbage, or refuse onto the grounds of the City Park while a driver or passenger in or upon a motor vehicle.
- 3) Use the trash receptacles located within a Park for the disposal of waste generated anywhere other than within Park grounds.

(f) **Smoking and Drinking Alcohol Beverages Prohibited.** It shall be unlawful for any person to consume within Park grounds or bring into Park grounds Alcoholic Beverages, Controlled Substances, or Dangerous Drugs. It shall be unlawful for any person to consume tobacco products within Park grounds. It shall be unlawful for any person to bring into, have in one's possession, or leave any glass containers

within Park grounds.

(g) **Traffic Regulations.**

It shall be unlawful for any person to:

- 1) Fail to obey police or traffic officers or City employees instructing or directing traffic or parking whenever needed in the Parks and on city streets immediately adjacent thereto.
- 2) Fail to observe carefully all traffic signs indicating caution, stopping, or parking on or near Park grounds.
- 3) Park or station a vehicle on Park grounds other than in an established or designated parking area.
- 4) Drive any motor vehicle on Park grounds except paved Park roads or parking areas.

(h) **Enforcement.**

- 1) It is unlawful for any person to interfere with, obstruct, resist or oppose any person authorized to enforce the provisions of this Ordinance.
- 2) The City of Hallsville shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- 3) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00 plus court costs and administration fees as applicable. Each day that a provision of the Ordinance is violated shall constitute a separate offense. An offense under

this Ordinance is a Class C misdemeanor.

4) Enforcement of this Ordinance shall be the responsibility of the Code Enforcer, the Chief of Police, or his designee, and such other persons designated by the City.

5) The Code Enforcer, the Chief of Police, or his designee shall have the authority to eject from any Park any person acting in violation of this article or in violation of any rules and regulations promulgated by the Council and to determine the length of time during which such person shall be excluded from such Park.

(i) **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this Ordinance not affected thereby shall remain in full force and effect.

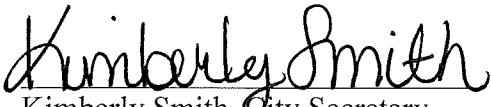
(j) **Effective Date.** The provisions of this ordinance are effective as of the date of adoption of this ordinance, or upon the date that the publication requirements of Tex. Local Govt. Code § 52.011 are met, whichever is later.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is  
the 15<sup>th</sup> day of December, 2015.



  
Steve Eitelman, Mayor

ATTEST:

  
Kimberly Smith, City Secretary